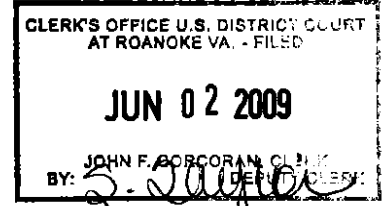


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



TONY LEWAYNE YANCY,)	Criminal No. 7:04CR00139
Petitioner,)	
)	<u>2255 FINAL ORDER</u>
v.)	
)	
UNITED STATES OF AMERICA,)	By: Hon. James C. Turk
Respondent.)	Senior United States District Judge

In accordance with the accompanying Memorandum Opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that the Respondent's Motion for Summary Judgment (Dkt. No. 94) is **GRANTED**, and the Petitioner's 28 U.S.C. § 2255 motion (Dkt. No. 81) is **DENIED**. The court also **DENIES** as **MOOT** Petitioner's Motion for Leave to Proceed in Forma Pauperis. (Dkt. No. 82.)

The Clerk is directed to strike the case from the active docket of the Court, and send copies of this Final Order and the accompanying Memorandum Opinion to the Petitioner and counsel of record for the Respondent.

ENTER: This 30th day of May, 2009



Senior United States District Judge